

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM GARCIA,)
for himself and all others similarly situated,) Case No. 18-cv-4718
Plaintiff,)
v.)
VERTICAL SCREEN, INC.,)
Defendant.)

THIRD REVISED CLASS/MERITS DISCOVERY STIPULATION

This Stipulation is entered into between Named Plaintiff William Garcia, the Opt-In Plaintiffs and Defendant Vertical Screen, Inc. (collectively, the “Parties”).

WHEREAS, the Court granted FLSA conditional certification on July 24, 2019, 67 Opt-In Plaintiffs returned completed consent forms to join this litigation¹ and the Parties have conferred regarding a plan for both completing discovery relating to class, merits and damages issues; and completing briefing related to issues of class and collective certification, the Parties hereby stipulate as follows:

1. Additional discovery of Opt-In Plaintiffs will proceed as follows:

- a. Defendant will send Plaintiffs’ counsel the names of six additional Opt-In Plaintiffs to participate in discovery by **October 30, 2020**.
- b. Plaintiffs’ counsel will promptly attempt to contact these six Opt-In Plaintiffs and work with them to secure five completed sets of discovery responses for Defendant.
- c. If Plaintiffs’ counsel are not able to contact, or secure completed discovery responses from, five of the six Opt-In Plaintiffs Defendant selected, Plaintiffs’ counsel will engage in additional outreach efforts to secure five completed sets of discovery responses for

¹ Defendant objects to the four opt-in forms filed after the October 15, 2019 opt-in deadline on the basis of untimeliness, and therefore asserts that only 63 Opt-In Plaintiffs properly joined this litigation.

Defendant no later than **December 7, 2020**.

- d. Defendant may notice three additional Opt-In Plaintiffs for depositions to be completed by **January 22, 2021**. The Parties will work cooperatively to determine where and how these depositions will occur and attempt to group depositions and promote convenience for all Parties involved. These depositions may be taken by video conference, telephone or other remote means in light of the COVID-19 pandemic.

2. Additional discovery of Defendant will proceed as follows:

- a. Plaintiffs' counsel may serve a second set of written discovery on Defendant by **November 9, 2020**. This discovery will be limited to Defendant's electronic hardware, software and systems and to information relevant to Plaintiffs' claims and Defendant's defenses. Defendant reserves its right to object to these Requests.
- b. Defendant will respond to this second set of written discovery by **December 9, 2020**.
- c. Following their receipt of Defendant's Responses, Plaintiffs may serve defense counsel with a Rule 30(b)(6) notice for deposition(s) to be completed by **January 9, 2021**. This notice will be limited to the subjects enumerated in Section 2(a) of this Stipulation. The Parties will work cooperatively to determine where and how these depositions will occur and attempt to group depositions and promote convenience for all Parties involved. These depositions may be taken by video conference, telephone or other remote means in light of the COVID-19 pandemic.

3. Briefing Schedules for Anticipated Motions

Plaintiffs will file an FLSA Final Certification / R.23 Class Certification Motion by February 26, 2021. Defendant will file its Opposition and/or any Motion for Decertification by March 26, 2021. Plaintiffs will file their Reply (if any) by April 9, 2021.

Defendant will file a Summary Judgment Motion by February 26, 2021. Plaintiffs will file their Opposition by March 26, 2021. Defendant will file its Reply (if any) by April 9, 2021.

4. Other Discovery Matters

All other provisions of the Court's original scheduling order (Doc. No. 32) and the Parties' Second Revised Class / Merits Discovery Stipulation (Doc. No. 57) shall remain in full force and effect to the extent they are not expressly revised herein. This stipulation may be amended by agreement of the Parties, or by Court order.

STEPHAN ZOURAS LLP

/s/ David J. Cohen

David J. Cohen, Esquire
604 Spruce Street
Philadelphia, PA 19106

Counsel for Plaintiffs

Date: 10/27/2020

BUCHANAN, INGERSOLL & ROONEY
P.C.

/s/ Monica L. Simmons

Jason E. Murtagh, Esquire
Monica L. Simmons, Esquire
50 S. 16th Street, Suite 3200
Philadelphia, PA 19102

Counsel for Defendant

Date: 10/27/2020

SO ORDERED AND APPROVED:

Dated: _____

DuBOIS, JAN, E., J.